IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA, 1928

WP(C).No. 268 of 2007(F)

PETITIONER:

GEEJO JOSEPH,
C.V.WOODS, ALUVA ROAD, ANGAMALY.

BY ADV. SMT.S.K.DEVI
SRI.K.P.PRADEEP (PAYYANNUR)
SMT.SILVI JOSEPH
SMT.RANI JACOB

RESPONDENTS:

1. THE COMMERCIAL TAX OFFICER,
ANGAMALY.

2. THE DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAXES, ERNAKULAM.

3. THE INSPECTING ASST. COMMISSIONER,
DEPT. OF COMMERCIAL TAXES, MATTANCHERY.

BY GOVT.PLEADER SRI SOJAN JAMES

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN, J.

W.P.(C).NO.268 OF 2007

Dated this the 3rd day of January, 2007

JUDGMENT

Petitioner is an assessee under the K.G.S.T. Act. For the assessment year 2003-04 the assessments were completed making certain additions, against which the petitioner preferred an appeal, Ext.P2 along with Ext.P3 stay application before the 2nd respondent. The same is pending. In the meantime, revenue recovery proceedings are initiated as evidenced by Ext.P4. Hence, the petitioner has approached this Court by filing this writ petition.

2. Heard both sides.

3. In the facts and circumstances of the case, there will be a direction that in case the petitioner pays an amount of Rs.60,000/- (Rupees sixty thousand) and furnishes a bond by

way of security for the balance amount within one month, the recovery of the balance amount under Ext.P4 will stand stayed until the disposal of the appeal, Ext.P2 by the 2nd respondent. There will be a further direction to the 2nd respondent to expedite the hearing of the appeal and dispose of the same in accordance with law. In case the petitioner fails to pay the amount and to furnish a bond as directed above, then the order of stay granted by this Court will stand automatically cancelled.

Writ Petition is disposed of as above.

P.R.RAMAN,
JUDGE.

kcv.